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# New York Daily Tribune.

WEDNESDAY, JANUARY 20, 1858.

TO CORRESPONDENTS.

Subscribers, in sending us remittances, frequently on to mention the name of the Post-Office, and very frequently the name of the State, to which their paper is to be sent. Always mention the name of the Post-Office and State.

No notice can be taken of anonymous Communications. Whatever is insteaded for insortion must be authenticated by the name and address of the writer—not necessarily for publication, but as a guaranty of his good faith.

not undertake to return rejected Communications. Advertisements for THE WEEKLY TRIBUNE of this week must be handed in early to-day. Price, \$1 a

The Tribune for California

### Will be ready at 10 o'clock this morning. It will con

tain the Congressional Proceedings, Money and Market Reports, Marriages and Deaths, and all the latest imtant Foreign and Domestic News since the sailing of portant Foreign and Domestic News since the the last steamer. The Star of the West leaves to-day at 2 o'clock. The Mails clone at I o'clock. Single copies in wrappers ready for mailing for sale at the counter

#### THACKEBAY'S "VIRGINIANS."

Our cotemporary, The Journal of Harpers' Civiliza tion, announces that its publishers have purchased advance proof-sheets of Thackeray's new novel-The ns-paying the author \$2,000 therefor. They say, that in the absence of an international copyright law, this is the only way a foreign author can be remu nerated for his labor; but they forget, or designedly omit to eay whose fault it is, that there is not a statute protecting such authors, and whether they, themselves, have not exerted their influence to defeat the enactment of such a law. These advance sheets may contain many inaccuracies-in fact, the Mesers, Harper have approunced that Part II., as printed in their Magazine for January, was far from correct. Now it is patent to every reader that any book printed as this is, in London, under the immediate supervision of its author, must be subject to various alterations and emendations before it is finally sent to press. Mr. Thackeray undoubtedly avails himself of the opportunity of going frequently over the proofs of his works for this purpose, and hence we find several corrections in our copy of Part III., which is the latest from the London press, not to be found in Harpers' Magazine for Feb rusry. These alterations could not be received by the publishers of that periodical, simply because they must needs receive first proofs in order to get the story into their Magezine, which is put to press two weeks or more before its day of publication. Besides, the Messre. Harper amounce that they hold themselves at liberty to make such changes in Mr. Thackeray's own language as they may deem proper. They also they have made such in the numbers they have hitherto published. Thus, on every account those who desire to read the author's work unmutilated and with the final touches of his pen will always secure the latest English copy, or read it in THE TRIBUNE, where it will be found immediately on its receip in this country. Part III. appeared in THE SEMI WEEKLY TRIBUNE yesterday morning; also in the Evening Edition of THE DAILY TRIBUNE yesterday afternoon, price 2 cents. Copies can be had by apply ing in our Counting Room.

The mails for Europe, by the Royal Mail steamer Africa, close this morning at 91 o'clock.

We are this morning obliged to record a said calamity in a public school. The school-house at the corner e Yavy and Concord streets, in Brook-

lyn, took fire yesterday afternoon, and was burned down, causing a loss of seven lives-not by fire, but from crushing and suffocation in the attempt to escape. So far as the facts are known, it seems to have been purely fortuitous. Of course, all school houses ought to be fire-proof; but they are not, and such events will necessarily happen. In this case, the fire originated in the flues of a furnace, under the Boys' Department. The pupils in the Grammar rooms, on the third floor, got out cafely, as did all the girls in the other wing of the building. But the lads in the Primary Department, on the second floor, were quite unmanageable, and in their endeavors to escape got wedged into the stairway, where they trampled one an other under foot, and when they were extricated it was found that seven of their number were dead. This clogging occurred just above the first landing, and within ten or twelve feet of the ground floor. There was no injury from fire, or even from smoke, although the building was afterward destroyed. The stairway was ample for ordinary purposes, and fortunately the banisters were firm, or else we might have had another Greenwich avenue horror. Whether the teachers did their whole duty in getting the scholars out of the house may be a question; but, at present, it does not appear that any one was to blame.

The Tax Levy is now before the Councilmen Controller Flagg sent in estimates last month for \$7,787,743. The late Board of Councilmen voted an increase of \$239,909, but the bill did not go through. It came up as new business in the present Board, when, in place of the reduction which might and should have been made, we have reported by a majority of the Finance Committee an increase of \$436,312, making \$8,224,056 in all. The Chairman of this Finance Committee is Harry Arcularius, well known for his management of the Streets in 1852, when we had, with expenditures never before equaled, the dirtiest streets that the prior, up to that period, disgraced the city.

The people will have little to hope from the present take care that none who contribute to that giant to the movement, and note went up. At about 31 o'clock, the officer having received further instructions, reported to Deputy-Marshal Cowell. There were then, however, but three Leavemorth men on the ground, and the Marshal himself thought it unsalvisable to station the troops at the polls at that late

Common Council, if the financial theories of the age of dirty streets are to rule in levying taxes and assessments.

The regular annual attack upon the Hudson River Railroad Company was commenced last night in the Board of Councilmen, in the shape-of an ordinance to prohibit the use of steam below Fiftyninth street. We do not know who owns the property in that locality, but it is certain that if he or they could force the Company to move their depots and engine house from Thirty-second street, the resu't would be a very large increase in the value of the barren lots near Fifty-ninth street. This scheme has been tried regularly for six or seven years, but has not succeeded, although it has cost the Company much annoyance and some money. Last year it was one of the earliest measures of the session, and was referred to a special Committee; but the President of the Road stubbornly refused to "come down" a single dollar, and so it died out, the Committee, near the close of the year, asking to be discharged, making no report whatever. Let the Company persist in this policy, and the "strikers" will learn by and by that there is nothing to be made in that quarter, and these periodical attacha will cease.

Votes for Speaker were taken in the Assembly yesterday, with no more satisfactory result than heretofore.

The little steamer Fashion, that carried off Gen. Walker and his men to Punta Arenas, was seized by the authorities upon her appearance at New-Orleans yesterday.

A State Convention has been called by prominent Democrats of Indiana, who are disatisfied with the mild and Janus-faced resolutions respecting Kansas offairs, passed at the late Convention, and see the rein of the party in the success of the Lecompton fraud. This Convention is to meet on the 22d of February.

Gov. Packer of Pennsylvania was inaugurated at Harrisburg yesterday, and improved the opportunity to demonstrate against the Lecompton Swindle. This is Mr. Buchanan's second emphatic rebuke from his own State and party.

Congress devoted yesterday to the memory of the late Senator Rusk. Messrs. Houston, Collamer, Gwin and Seward in the Senate, and Messrs, Reagan, Keitt, Jackson, Quitman and H. F. Clark in the House, strewed flowers over his grave.

The explanation of a mysterious dispatch, stating that a majority of the Nebraska Legislature had suddenly left Omaha for Florence, is afforded by our correspondent in that Territory. It seems that a proposition to remove the Territorial Capital was under consideration, when a mob of Omahas, as our correspondent styles the citizens of the present Capital, burst into the Hall, dragged the Speaker from his desk, and charged upon the members with bowie-knife and pistol. The next morning an adjournment to Florence was voted by a majority of two to one. The minority, seven men in all, remained in Omaha-in possession of the journal, according to the telegraph.

About the best bill that has been submitted to either House of the present Congress with any chance of being passed is that of Mr. Grow of Pa., by which it is proposed to forbid the proclamation by the President of Public Lands for sale until fifteen years shall have expired from the date of their survey. The object of this bill, as we judge from its title, is to allow the pioneer Actual Settlers fifteen years' preëmption of their respective quarter-sections before they can be compelled to pay for them or surrender them to any speculator who may see fit to buy over their heads. We do not consider this so good as an absolute Free-Land bill, but it is probably easier to pass; and we entrest all carnest advocates of Land for the Landless to unite in support of this, if a more radical measure cannot be carried at this Session.

Canada has been recently convulsed by a Parliamentary contest, of which the violence appears to have been in the usual inverse ratio to the importance or distinctness of the issues involved. The Ministry has been able to carry French or Lower Canada almost entire, and so has a good majority in the House, though the Opposition claim a majority in British or Western Canada. This claim is faintly disputed by the Ministerial organs, who call their party "Moderate" and their opponents "Ultras." Among the Opposition Members elect are the veteran William Lyon Mackenzie, for Holdimand, and Thomas Darcy McGes for Montreal-both Editors and both classed with the Opposition. George Brown, another Opposition Editor, is elected for two places-Toronto and North Oxford. He must of course choose between them. The Opposition have beaten three members of the Ministry who stood for different Upper Canada Districts. The Ministry count their supporters as 78 in number, conceding 49 seats to the Opposition-one of them to be vacated by Mr. Brown as aforesaid. Three districts were unheard from when this table was compiled.

"When will you have done harping on frauds, wrongs and villainies in Kansas ? " we are sometimes impatiently asked. We answer-When those frauds and villainies cease to be perpetrated, and those wrongs are redressed. Until then, we should be false to Liberty, treacherous to Humanity. if we ceased to expose and rebuke those wrongs. Especially at this moment, when the long series of systematic outrages on the dearest rights of a whole People approaches its consummation-when the President of the United States is straining every nerve and using all the immense patronage of his station to force an abhorred Pro Slavery Constitution on Kansas, by virtue of these outrages, and when journals sometimes found on the right side, like The N. Y. Times and The Commercial Advertiser, are daily impeaching the Free-State men as factious and unfaithful because of their repeated refusals to vote at elections held under Pro-Slavery auspices by officers whom they know to have derived their authority from the most audacious frauds, whereof those officers were at once contrivers and beneficiaries-and when other journals, at once intelligent and of good repute, preserve a studied silence with regard to these frauds-it is imperative that the outspoken friends of Free Kansas should relax no exertion, neglect no opportunity, to diffuse and extend a knowledge of her wrongs. But a brief period can now intervene before the success or defeat of the Lecompton Swindle.

iniquity shall be able to plead ignorance of the unprecedented frauds by which that Constitution was got up and ratified.

We have already given our correspondent's statements of the renewed and wholesale frauds of the Pro-Slavery election officers and their abettors at the poll for State Officers and Members of the Legislature held under the Lecompton Constitution on the 4th inst. That election, it will be remembered, the regular Convention of the Free-State party repudiated entirely; but a minority bolted and nominated a State ticket, which received a partial support. Many Free-State men who refused to vote for State Officers consented nevertheless to vote for Members of the Legislature, fearing that a bogus Legislature might be chosen through their neglect, which would proceed to choose two United States Senators, whom Kansas could not shake off, as she might her domestic usurpers. Though there was no notice in many parts of the Territory that any of the Free-State party were going into this election, and though a large portion of that party could not be induced to go into it, yet there is no rational doubt that those who did go in outnumbered the Slave Democracy by at least two to one. Yet it is reported that the Pro-Slavery State Ticket is nevertheless elected. How? Let the following extracts from the Kansas correspondence of journals of diverse politics indicate. We quote first with reference to the election at Kickapoo, a Ruffian nest on the Missouri border, which has maintained a consistent eminence in ballot-stuffing infamy. We begin with a letter to The N. Y. Herald :

"LEAVENWORTH, Jan. 4, 1858. "Supposing your genders, especially the politicians of New-York, would like to know how it is that the little Town of Kickapoo manages to poil such an extraordinary large vote at every election, I took horse this morning and started for that famous little piace, determined, if possible, to ascertain by what means its people so greatly distend the privileges of the elective franchies. I was also not a little anxious to see those animals—Border Ruffians—whose hydra head Freedom in vain has shricked so long to slay. On arriving at the place, my first undertaking was to count the houses, which was not a very difficult task, since there are but eighty-four, including every log cabin and wooden sharty. The buildings have all been erected during the last two years; they are small, and built of wood, but do not at all present an unpleasant appearance to the eye. There are two been erected during the last two years; they are small, and built of wood, but do not at all present an unpleasant appearance to the eye. There are two steam saw-mills in the place, and several shingle machines. The town is situated on the left bank of the Missouri River, in Leavenworth County, and eight miles above this place. A high hill extends along the back of the village, and as the distance between the hill and river is quite inconsiderable, Kickapoo can never become a large town, without cutting down and grading the hill. Early in the day, forty-five troops entered the village and took up a position near the polls. They were accompanied by two large covered wagons, each drawn by six mules; the wagons contained the tents and supplies of the troops.

"The polls were held in a shanty. The votes were handed through the window from the outside, only the Judges and Clerks being inside. The ballot-box did not, like the glass ones in your city, cost \$15, but was composed of rough boards, the top being nailed down as solid as the sides; the hole for the ballots was amply sufficient to allow the entrance of the most sizable tickets.

"When the polls opened some Free-State men took a position one side of the window to challenge those

sizable tickets.

"When the polls opened some Free-State men took a position one side of the window to challenge those whom they saw fit to, and to write down the name given by every man who voted. The Pro-Slaveny men seemed to think that that was an infringement upon the privileges of their elective franchise, so there was instantly a movement in the crowd, yells were heard, and a rush was made toward the polls. Of heard, and a rush was made toward the polls. Of course there was no violence, for the majority prevailed; but the writers and challengers found themselves standing at some distance from the polls. The direction of the rushing crowd had been such as to give them their unexpected and undesired position. Nor did they think it desirable to attempt to recover their former situation or to resume their patriotic labors.

labors.

"The Pro-Slavery party at Kickapoo have so large a majority that of course they carried everything their own way. There were from fifty to one hundred men at and in the vicinity of the polls. Pretty much the some crond remained there all the time, and hone of the time did there seem to be much of a lack of voters. The judges were of course Pro-Slavery men; they acted upon the principle that the law presumes every man to be a legal voter until he is challenged. The facilities for challenging voters were not extended. man to be a legal voter until he is channeded. In facilities for challenging voters were not extremely abundant. I did, however, see some men challenged by Free-State men, and the challenged refuse to qual-ity, but go away without voting. The few Free-State men that were at Kickapoo voted without hinderance, though they were generally challenged by the oppo-

"The scene about the polls up to the time I left (t p. m.) was more quiet and orderly than is usually the case in New-York on such occasions. There was no canvassing, because there was no one to be canvassed, all being of one party. Free-State tickets were on the ground, but not very abundant. One of the voters gave his name as Jim Crane. 'Jim Lame,' said the judge. Voices outside immediately cried out, 'We' would just like to see Jim Lame here. A third voice, 'Yes, by God, if he should appear before this building we would see you all scud in less than no time.' The Pro-Slavery men burst into a loud laugh at his retort from one of their own number. I saw one Free-State man from this place vote at Kickapoo. I should likewise meetion the fict, that when the names of the voters were being taken down outside of the polls, a United States Sheriff told the judges, if they knew the voters, not to ask their names. No Missourians were at Kickapoo, or at least not in such numbers or in such guise as to be recognized as Missourians. Up to the time I left there were no polls open for the vote on the Constitution. The Pro-Slavery party would not vote upon it at any rate, as they expressed their desires in regard to it in the election on the 21st of last month. Constitution. The Pro-Slavery party would not vote upon it at any rate, as they expressed their desires in regard to it in the election on the 21st of last month. One of the judges told me, when I left, that 521 votes had been polled. There are not that number of voters in the township, and certainly not half that number of legal votes had been cast. The United States troops have pothing to do with the legality of the form of the election; they can only interfere to insure every voter an opportunity to deposit his vote and to prevent riot and bloodshed. The Pro-Slavery party having the entire control of the polls, the judges, elerks, &c., can, if they will, either before or after the polls are closed, have as large a party majority as they wish. There are more directories in the world than those of Cincinnit. A large number of persons who went into Kickare more directories in the world than those of Cincin nati. A large number of persons who went into Kick apoo to vote, carried their muskets and rifles with

-The above, you perceive, is the testimony of an amateur Border Ruffian-one who admires and chuckles over such villainy, though he prefers to do so quietly, and with some regard for decorum. -Now let us look at the facts, as certified by several most respectable citizens of Leavenworth who attended the Kickapoo poll on behalf of the Free-State party. They say:

"But eight men went up. They applied to the

"But eight men went up. They applied to the Judges of Election to admit one of their number in the room to take an unofficial list of the voters. This request was refused on the ground that the crowd cutside would not tolerate it.

"The poils were opened at 10 o'clock. Mr. Fields first, and then Mr. Losee, attempted outside to keep a list of the voters, but they, with those who came with them, were compelled to abenden their ground by the mere force of physical pressure—the cowd by this time numbering about 100 men, armed with bludgeous, bowie knives, pistols and revolvers, many of whem were drunk, and most violent in threats of shooting the first man outside who challenged a voter or of whem were drunk, and most violent in threats of shooting the first man outside who challenged a voter or wrote down his name. At this time the troops marched into town, and were drawn up on the river bank, about 200 yards off, out of right of the polls. The Deputy Marshal ordered them to be stationed at the polls, to keep off the crowd and protect challengers. The Sheriff, who was present, objected, and claimed the right himself to control than. The officer in company and he was ordered to report to the 'Sheriff. right himself to control them. The officer in command said he was ordered to report to the 'Sheriff, Marshal, or Deputy Sheriff.' Deputy Marshal Cowcell, after some delay, presented to the officer a written order to station the troops at the polls. The officer declined obeying it; but sent a message to the Fort, asking further instructions. This was at 121 o'clock. Seen after, almost all the Leavenworth men, finding that nothing could be done at that time at Kickapoo, left for this city to cast their votes; and while there, we are told, they rallied a force to go ere sufficiently strong to have commanded fair play the movement, and none o'clock, the officer having

bour, with so few to act as challengers, and in a crowd composed mainly of drunken and desperate men. So the troops were not stationed at the polls.

"We think nearly every legal vote was polled before one o'clock. We saw few before that time that we had reason to think illegal; and few after, that were not certainly so. Of the fraudulent voters, six were identified by their real names, and warrants of arrest are out for them. There were some forty or fifty men who did the double voting; and frequently the arrest are out for them. There were some forty or fifty men who did the double voting; and frequently the same man, after voting, reappeared within ten minutes under a new name and voted again. Boys not over fourteen years of age voted, and one of them said. The boys at Kickapoo always votes. A crowd of horsemen who had voted left the town in the afternoon, and said they were going 'over'—meaning, of course, to Missouri. We think there were about fifty Missouriars voted there.

course, to Missouri. We think there were about may Missourians voted there.

"In this way there were given, legal and fraudu lent, about 400 to 500 votes. The vote as announced, however, at the closing of the polls, was 905. The poll-books could only show that number by inserting 460 or 500 names not given by voters. There was no rapid voting—there being frequent intervals of fifteen minutes, when scarcely a vote was polled. A squad would come to the polls, scatter through the rowd, vote and return to the grog-shops. Until the neat squad came up, scarcely a ticket would be presented. At these intervals the business was so completely a drag that a judge of the election, William pletely a drag that a judge of the election, Willia

pletely a drag that a judge of the election, William Franklin, repeatedly called out, "more votes!" when they would pour from the grog-shops and rally again to the polls.

"The polls were open 7½ hours, having been closed an hour at noon, and closing finally at 6½ o'clock. Exacily at 4½ o'clock one of the judges announced to the commanding officer, Capt. Brown, 467 votes polled. At five minutes before 6 o'clock, the commanding officer, by request; made inquiry again, and was told by the judges there were 864 polled. From that until the close, there were but time voters, and the aggregate was then announced as 905. From 4½ o'clock until the close, there were certainly not more than 30 votes polled, so that the aggregate announced could only be made up by an enormous official fraud."

—We might give scores of extracts from letters.

-We might give scores of extracts from letters. but the above is the deliberate report of careful ob servers, signed by Thomas Ewing, jr., L. G. Losee J. W. Morris, H. C. Fields and others, who are widely known as men of character and probity. It cannot be necessary to corroborate these two substantially accordant statements, written from widely different stand-points.

Of course, the frauds committed at Oxford, Shawnee, Delsware and other Pro-Slavery dens along the Border, were more barefaced, as there was less Free-State scrutiny at those points. Let us rather elucidate the frauds at other precincts. The following is from the Lawrence correspondent of The Chicago Tribune :

"At the ferry where the military road from Fort Leavenworth to Fort Scott crosses the Kansas River, a village has sprung up on the Delaware Reserve, and about a dozen white persons live there by sufferand about a dozen white persons live there by suffer ance of the Indiana. This point was made a precinct by Calhoun, and on Monday it is said 560 votes were cast there. No doubt exists of there having been a large number of Missourians in attendance, but the

large number of Missourians in attendance, but the exact figures I could not ascertain.

"At Delaware City, at the usurper's polls, one of the Judges sat at a window with a handful of Democratic tickets concealed in his sleeve, and when a Free-State ticket was handed in it was dropped on the ground and a Marshall ticket inserted in its place. This trick was not discovered till noon, when the fellow was driven from the window. Writs were proow was driven from the windows of them escaped into Missouri; another, C. B. Redman, a member of the late Felon Convention, was arrested and brought before Judge Purkins, who committed him under the

-Here is a specimen-also from The Chicago Tribune- of the Pro-Slavery voting at one of the interior precincts:

interior precincts:

"One of the teamsters who had charge of the Government trains recently destroyed by the Mormons, passed through here last week, direct from Fort Bridger, where they were discharged. Among other incidents of their journey hitherward, he stated to me the following: He and seven others, all Missourians except himself, arrived at Blue City, on the Big Blue River, in Kansas, on the morning of the 21st of December. On entering the tavern at that place, they were at once informed by the landlord that this was the day for voting on the Constitution. He remarked that they, the teamsters, of course would vote, and that he had plenty of 'Pro-Slavery whisky' there, to which they might help themselves. They accordingly took a drink, walked up and voted, no questions asked, and walked back and 'took another drink. They were then told that if they had any friends who would, if there, probably vote Pro-Slavery, they had a right to sote for them. They accordingly went back, and after casting some half-dezen votes for each of 'their friends,' they quietly passed onward to Missouri. It occurred to me that this incident might be worth noting, as a specimen of the 'legal vote' of the 21st, 'for the Leccmpton Constitution with Slavery.'" One of the teamsters who had charge of the Gov-

-Such are the means whereby Kansas was kept for years under the feet of the Border Ruffians, in defiance of the indignant protest of three-fourths of her People. Such are the votes, on the strength of which the Lecompton Constitution is now crowded upon Congress. Such are the villainies in Kansas, and in full view of which the Free-State men have been insultingly asked by Pierce, Buchanan & Co .- "If you don't like Slavery, whi "not go to the polls and rote it down?" Such are the votes by virtue of which Calhoun is about to proclaim Frank Marshall Governor elect of the State of Kansas, with a full State Ticket of the same sort. Such are the crimes which, if indorsed and rewarded by Congress, are about to redden the rivers of Kansas with blood. Why should not clear-seeing Democrats, for their party's if not for their country's sake, insist that the cloak of Executive favor shall no longer shield the perpetrators of such infamies !

A trial for murder has just been concluded in Philadelphia, which, in some of its domestic details, is not unlike that of young Mercer, who shot Heberton for the seduction of Miss Mercer, his sister, under the most aggravating circumstances. But in this case, the injury which prompted a recourse to sanguinary revenge was of a deeper and of a darker dye. The respondent, Thomas W. Smith, is about 30 years of age. He is a person without any particularly fixed habits of business, and has been employed as a commercial traveler in the Southern States. His sister is a teacher in a school for girls in Wilmington, Del. While visiting her, he met Miss Elizabeth McCauley, a pupil in the school, of whom he soon became enamored He was married to this young woman in December, 1856. But before this time, Miss Smith, the sister of the respondent, either in her capacity o teacher or through accident, bad discovered reasons for opposing the marriage of her brother to Miss McCauley, and had even gone to Philadelphia to ask a certain Mr. Richard Carter to interpose to prevent the marriage. This Mr. Carter was a highly respectable person, engaged in the coal business, and President of the Tamaqua Bank, residing at the village which gave its name to the above-mentioned financial institution. We shall see ere we finish how he guarded Miss Mc Cauley, who was his ward. Smith being thorough ly in love, insisted upon marrying Miss McCauley without delay, and the remonstrances of Miss Smith had no power to swerve the gnardian from bestowing his blessing upon the nuptials. He had his own reasons for kindling the torch of Hymen, as will presently appear. Mr. Smith was united to the girl in December, 1856. We must here admit that Smith, who is evidently a man of a flighty mind and unsettled intellect, appears to have been played upon, and to have been made a kind of instrument to conceal the crimes of others. Had his sister un derstood with certainty the real position of affairs. instead of having been alarmed by vague suspicion and perhaps by the scandalous murmurs always floating through a girl's boarding school, she might | hearing of the birth of the child, she went to her

have saved him by a frank disclosure of what she knew or of what she had heard. This lady anneared very well upon the trial, and won the sympathy

of all auditors. Smith, soon after his marriage, found that he had been terribly deceived. Four menths after the ceremony, in the very hey-day of the honeymoon, his wife gave birth to a full-grown child. His wife admitted, in speech and writing that the Bank President, Mr. Richard Carter, her guardian and the former partner of her father, was the father of the bate. Smith immediately took advice and instituted measures for divorce. He then traveled, we suppose upon commercial business, but the thought of his dishonor haunted him. He met Carter at the St. Lawrence Hotel and shot him dead.

The prosecution had no difficulty whatever in proving the homicide. The evidence for the Government was very full and distinct. Smith sho Carter on the 4th of last November, in the presence of the nephew of the medered man. There was evidence that the encounter could not have originated in hot blood, as Smith and Carter sat together a while upon a sofa. Carter, however, was shot through the heart by Smith-the wound causing instant death. Thus suddenly and swiftly did the seducer and scoundrel render his account. Smith warned these who were summoned to the the room by the report not to arrest him; he exhibited a pistel and a bowie-knife, but subsequently, without making any objection, gave up those weapons to the police. In the cross-examination of the officer who arrested Smith, the defense obtained the valuable testimony that the prisoner was nervous, sgitated, "looked like an insane man," while "his eves kept glistening and rolling" in a way, as the officer, speaking from his own experience, said, entirely unlike that of intoxicated persons. The prisoner said that "he felt as though he "could fight a thousand Indians." The evidence showed that when, before shooting, the prisoner approached Carter, his manner was mild and composed. There was some conflict of testimony re specting Smith's conduct after the murder. The nephew swore that it was cool and determined. The impression of the policeman who arrested the

respondent we have already stated.

The defense was the insanity of the prisoner

occasioned by the sudden and overwhelming discovery of the peculiar condition of his domestic re lations. If this unhappy young man had been able justly to estimate his position he would have been content with demanding of the Courts of law that legal separation to which he was justly entitled. Some men would undoubtedly have remained stolid under the indignity. But the discovery made by Smith was insupportable. A highly respectable witness, who had known him intimately, spoke to bis character in Court, declaring him to be "par-"ticularly kind and good-hearted, with a moral character of the first order, and a strong love of "right-with buoyant spirits, and the anticipation "of great happiness from his marriage." This was, of course, just the person to be deprived of mental equilibrium by the event which overtook the prisoner. Mr. Keen, the witness just referred to, saw him after he had made the disgraceful discovery. He was then "laboring under intense excitement "putting his fingers through his hair, and exces-"sively restless." He said that he was "a disgraced man." The subject increased afterward in the occupation of his mind. The witness identified certain letters received by him from the prisoner. These are published, but it is only neces sary to say of them that they are to the extremest degree incoherent and nonsensical. The opinion of the witness, who gave his testimony in a clear and straight-forward style, was that the prisoner was insane. The person with whom he boarded after his marriage testified as follows: "I never "saw in my life a man make more of his "wife; he was very attentive to her; he "was completely beside himself when the child was born; he didn't go to bed; he pulled the " hair hard enough to pull it out of his head; he laid on the floor and rolled over; he was in and " out of the house all the time; I was afraid he "would raise the neighborhood; he did not pre-. tend to eat anything; said that he was better dead than alive; I was fearful that he would go to a drug-store, and make way with himself. He said the finger of scorn would be pointed at him; said he could do no business, and nothing else, &c. This witness appears in the most imprudent way to have communicated the fact to the prisoner that Carter had taken charge of Mrs. Smith and her child, and had acknowledged the infant to be his own, saying that he would have given \$10,000 to have had it a boy. In October, the witness swore that the prisoner was "as crazy as a loon." The witness was cross-examined closely upon the point of selling ardent spirits to the respondent; but testified that he refused to sell them to him upon the last interview, although upon a previous eccasion (when Smith "rolled upon the floor") he had been furnished with "a little old Monongahela whisky." It may be proper enough to indicate at this point that the immoderate use of intoxication drinks by the prisoner appears to have been relied upon by the prosecution to rebut the evidence of insanity. The wife of the last-named witness also testified to the acknowledge ment of Richard Carter that the child was his own-that Carter had made arrangements to take Mrs. Smith to Bristol, and had negotiated with an old lady to receive both her and her babe; and that Carter took the child in his lap, and caressed it. The testimony of a medical man, who attended at the birth of the child, fully satisfies u that Smith was a deluded and cheated man. He not only believed himself to have been imposed upon, but he was unmistakably and egregiously imposed upon. He may be weak-minded, but there is nothing in the testimony to show him to be badhearted. In addition to this, the defense introduced testimony to show that four members of his mother's family were lanatics, while two of them were inmates of a mad-house. Mr. De Bow, the statist, who had employed the prisoner, also testified to his extreme mental and physical depression in June, 1857, when his convergation was "rambling, containing many sentences importment "to the topic." This witness also testified that naturally Smith was "amiable, gentle, kind, and of an exceedingly nervous organization,' The nurse testified : "I have frequently trouble in cases of death, but I have never seen anything equal to Mr. Smith's condition when he parted with his wife. He asked Mrs. Smith for some things he had, that he wished to take with him: she asked him how long he should be gone; she asked him what she should do with the wedding

ring and a pocket Bible which he had given her. He was sobbing. He said he did not want the ring; and the Bible, he said, he gave to her, that she might read it, study it, and profit by it." The sister of the prisoner testified that upon

brother. She proceeded in simple and touching ment to say :

"He met me in the hall at the boarding-bouse, at Mrs. Local ard's; I found him as I had never locked on him before—a living picture of wrethedness—a livid line, dishervised hair, unabayes face, at da grief worn countenance; he folded me is his arms, threw his bend or my shoulder, and yielded to a paroxym of uncontrollable grief; his first sudible words were. Mary, sh. Mary, what shall I do? and I not a rained man! my bonor is in the dust; what shall I do, what can I do? I have been most grossly deceived; I would as soon have suspected the angels of Heaven of a wrong as my wife; O God! how I loved her; I world her, in wightiged ber, and this is my reward; what can I do? I shall I have her her can be a leave been, and yet how can I live with her! I can be then on I loave been, and yet how can live with the I can neither think nor act for myself; I have sent, for you to counse me; she dreads your coming; she know you will advise asparame; she dreads your coming; she know you will advise asparame; she dreads not have her now? to which I replied, No, not now, you are not in a conclition to decide property, and we will do nothing rashly; take a night's rest, compose yourself, and in the morning we will be able to decide the more cooliy; he then entered her room and returned, saying that she wished to use me; we entered her room together, and as I approached the het side, she exclaimed. Mary, oli, Mary can you forgive ine for having se deeply injured your pure-minded and open-hearted her lock and the side, she exclaimed. Mary, oli, Mary can you forgive ine for having se deeply injured your pure-minded and open-hearted her lock and on how I have injured him; can you, will you forgive me."

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The Government put in some slight testimony in rebuttal of the theory of the defense. The case was argued on Saturday and given to the Jury on Tuesday, and yesterday morning a verdict of not guilty was returned.

### THE LATEST NEWS. RECEIVED BY MAGNETIC TELEGRAPH.

From Washington.

SPECIAL DISPATCHES TO THE N. Y. TRIBUNE. From Our Own Correspondent.

WASHINGTON, Tuesday, Jan. 19, 1858. As Congress seems to be desirous of making cless work in raking out its corruption, I feel it my duty to call public attention to a little affair in the Senate which needs ventilation, particularly as uncommon pains have been taken to cover it up and keep it close.

At the extra session last year Senator Benjamin of Louisiana offered a resolution to print 20,000 copies of the Dred Scott decision at the expense of Government. The Republican Senators indicated their intention to oppose this movement strenuously and the Democrats, rather than prolong the session by such a discussion, let the matter drop.

Another similar resolution was offered recently to the Senate, and went to the Committee on Printing. The fact was then discovered that Mr. Benjamin and some other Senators had induced the Senate printer, without the slightest legal authority. to pay \$1,500 for the copyright of the decision. to pay \$200 for a manuscript copy of it, and to expend a good many thousand dollars more in printing an unauthorized edition. Having got the printer into this scrape, they are trying to get him out of it at the expense of a bankrupt treasury, by passing through the Senate . resolution to pay for this illegal and partizan transaction. To do so. would be a violation of the compensation act, for the Dred Scott decisions, is not a Government document, and the Senate has no more reason to pay for an edition of it than it has to pay for an edition of Bigler's speech on Kansas, and to allow that eminent orator \$1,500 for the copyright of his production. The transaction is a ob, quite as bad in principle as some of those which the House is now investigating with such indignant and edifying virtue.

From a Special Correspondent. WASHINGTON, Tuesday, Jan. 19, 1858. Mr. McKeon's correspondence with Gen. Coss will be brought forward at the next Executive Session of the Senate. The substance of my former dispatches was positively stated as fact, pending the confirmation of Mr. Theo. Sedgwick, seemingly with the intention of injuring Mr. McKeon. He is, therefore, entitled to the benefit of this conclusive contradiction, as well as to my apology for onveying an erroneous impression, based upon tatements reiterated in the Senate.

Secretary Cobb will not issue proposals for the he remaining fourteen millions of Treasury notes until the six millions at present issued bave been dispesed of. The deposits of gold for the latter in New-York are limited, and the banks are not participating in the matter at all.

The Territorial Committee of the Senate meet on Thursday, to decide definitely on the admission of Minnesota. Meantime, the Senators elect are manipulating the members of the chamber in pre-

Over 1,200 invitations were ssued for Mrs. Douglas's party to night. All the members of both Houses of Congress are bid to the feast.

Gov. Seward's culogy on the late Senator Rusk is the subject of general commendation. The remarks of Mr. Keitt, of South Carolina, in the House were striking and finished.

Mr. Clifford takes his seat on the Bench of the Supreme Court to-morrow.

To the Associated Press.

To the Associated Press.

Washington, Tuesday, Jan. 19, 1808.

The bill matured by the Pacific Railroad Committee of the Senate, and reported by Mr. Gwin to-day, proposes to locate the railroad between the Big Sioux and the mouth of the Kansas River, to San Francisco, Alternate sections of land on each side of the road are to be granted, and \$12,500 per mile advanced upon the completion of every 25 miles of the road until \$25,000,000 is reached—the amounts thus advanced to be returned in mail service, and in the transportation of men and munitions of war. Five per cent of the

be returned in mail service, and in the transportation of men and munitions of war. Five per cent of the stock is to be issued. The President is to receive the bids, make the contract for 20 years, and locate the road, having a view to economy and the best roate.

The American Colonization Society held a meeting here to-might, and several addresses were delivered. The report of the Secretary states that the receipts for the past year were \$97,384, nearly half of which was a donation from Amos Hunt, of Mississippi, who gave \$5,000 the year previous. The report speaks of the success of founding settlements in the interior, and recommends the Government to employ small steam instead of sailing vessels to suppress the African slave trade.

trade.
The steam frigate Colorado has been put in com The steam trigate Colorado has been put in com-nission, and is now fitting out at Norfolk as the flag-ship of the Home Squadron, to relieve the Wabash. The friends of the bill, which has been introduced in Congress, appropriating public lands in Emited quan-tities to actual settlers, say it will undoubtedly become

The brig Principe, bound for New-York, was at Nassau, disabled.

A fire at Lynchburg on Saturday night consumed Miller's and other tobacco factories. Loss \$15,090, insurance in Lynchburg about \$12,050.

## XXXVth CONGRESS .... First Session.

SENATE... Washisoros, Jan. 19.
The Vice-President hild before the Senates measage from the President transmitting a copy of the Convention between the United States and Donmark

Convention between the United States and Danmark on the subject of the Sound Dues.

Mr. GWIN reported a bill authorizing the President to centract for the transportation of mails, troops, munitions of war, etc., over railroads from the Missouri River to San Francisco, which was made the special order for the first Monday in February.

Mr. CLAY, from the Committee on Commerce, raported back the bill to repeal all the laws granting bounties to vessels engaged in the Banks or other cod fisheries.

WILSON introduced a bill to amend the act to

continue half-pay to certain widows and orphans, which was approved in ISCS. Referred to the Com-mittee or Pensices.

On motion of Mr. SEWARD, a resolution was adopted, requesting the President, if not incompatible with the public interests, to communicate to the Sec

ate any information in his possession derived from efficers of the United States squadron on the Coast of Africa, or from the British or French Governments, or any other official sources, concerning the revival of the African slave-trade. Mr. HOUSTON announced the death of Senator Rusk, his late colleague, and stated that the deceased was born in Pendleton, South Carolins, and descended